



# Journal of the House

State of Indiana

121st General Assembly

Second Regular Session

Fifteenth Day

Thursday Morning

January 30, 2020

The invocation was offered by Pastor T.C. Taylor, Lead Pastor of One Fellowship Church in Indianapolis, a guest of Representative Pryor.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative DeVon.

The Speaker ordered the roll of the House to be called:

Abbott	Jackson
Austin	Jordan
Aylesworth	Judy
Bacon	Karickhoff
Baird	Kirchhofer
Barrett	Klinker
Bartels	Lauer
Bartlett <input type="checkbox"/>	Lehe
Bauer	Lehman
Beck	Leonard
Behning	Lindauer
Borders	Lucas
Boy	Lyness
T. Brown	Macer
Burton	Manning
Campbell	May
Candelaria Reardon	Mayfield
Carbaugh	McNamara
Cherry	Miller
Chyung	Moed
Clere	Morris
Cook	Morrison
Davisson	Moseley
Deal	Negele
DeLaney	Nisly
DeVon	Pfaff
Dvorak	Pierce
Eberhart <input type="checkbox"/>	Porter
Ellington	Prescott
Engleman	Pressel
Errington	Pryor
Fleming	Saunders
Forestal <input type="checkbox"/>	Schaibley
Frye	Shackleford
GiaQuinta	Sherman
Goodin	Smaltz
Goodrich	V. Smith
Gutwein	Soliday
Hamilton	Speedy
Harris	Steuerwald
Hatcher	Stutzman <input type="checkbox"/>
Hatfield	Sullivan
Heaton	Summers
Heine	Thompson
Hostettler	Torr
Huston	VanNatter

Vermilion  
Wesco ☐  
Wolkins  
Wright

J. Young  
Zent  
Ziemke  
Mr. Speaker

Roll Call 132: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 3, 2020, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

## HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1015, 1021, 1045, 1061, 1112, 1174, 1306, 1343, 1348, 1353, 1385 and 1392.

The Speaker yielded the gavel to the Speaker-Elect, Representative Huston.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1326

Representative Kirchhofer called down Engrossed House Bill 1326 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 133: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Crider.

### Engrossed House Bill 1317

Representative Kirchhofer called down Engrossed House Bill 1317 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 134: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Koch.

The Speaker-Elect Huston yielded the gavel to the Speaker.

**Engrossed House Bill 1265**

Representative Jackson called down Engrossed House Bill 1265 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 135: yeas 90, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Randolph and Niemeyer.

Representative Summers, who had been present, is now excused.

**Engrossed House Bill 1235**

Representative Karickhoff called down Engrossed House Bill 1235 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 136: yeas 88, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Crider.

**Engrossed House Bill 1204**

Representative Cherry called down Engrossed House Bill 1204 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 137: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Raatz, Crider, Bassler and Mishler.

Representative Summers, who had been excused, is now present.

**Engrossed House Bill 1113**

Representative Leonard called down Engrossed House Bill 1113 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 138: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bassler.

**Engrossed House Bill 1111**

Representative Leonard called down Engrossed House Bill 1111 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 139: yeas 90, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ruckleshaus and Boots.

**Engrossed House Bill 1108**

Representative Lehman called down Engrossed House Bill 1108 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 140: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bassler and Spartz.

**Engrossed House Bill 1052**

Representative Gutwein called down Engrossed House Bill 1052 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 141: yeas 88, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Charbonneau.

The House recessed until the fall of the gavel.

**RECESS**

The House reconvened at 2:24 p.m. with the Speaker in the Chair.

**HOUSE BILLS ON SECOND READING****House Bill 1419**

Representative Behning called down House Bill 1419 for second reading. The bill was read a second time by title.

**HOUSE MOTION**  
(Amendment 1419-2)

Mr. Speaker: I move that House Bill 1419 be amended to read as follows:

Page 3, line 28, delete "prekindergarten through" and insert **"early learning to the workforce to establish"**.

Page 3, delete line 29.

Page 4, between lines 9 and 10, begin a new line block indented and insert:

**"(9) One (1) member representing a research university appointed by the governor.**

**(10) One (1) member representing a comprehensive university or an independent college appointed by the governor."**

Page 4, delete lines 10 through 13.

Page 5, line 9, delete "shall be".

Page 5, line 10, delete "in consultation with the Indiana" and insert **"shall be from an organization representing technology."**

Page 5, line 11, delete "Technology and Innovation Association."

Page 5, after line 30, begin a new paragraph and insert:

**"SECTION 3. IC 4-3-27-6, AS AMENDED BY**

P.L.143-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Members shall be appointed to the cabinet for two (2) year terms. The terms must be staggered so that the terms of half of the members expire each year. **The governor must rotate appointments described in section 5(a)(9) and 5(a)(10) of this chapter so that the same research university, comprehensive university, or independent college is not represented on the cabinet for two (2) consecutive terms.**

(b) For members appointed by the governor, the governor shall promptly make an appointment to fill any vacancy on the cabinet, but only for the duration of the unexpired term."

(Reference is to HB 1419 as printed January 24, 2020.)

BEHNING

Motion prevailed. The bill was ordered engrossed.

Representative Eberhart, who had been excused, is now present.

Representative Macer, who had been present, is now excused.

#### House Bill 1414

Representative Soliday called down House Bill 1414 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1414-8)

Mr. Speaker: I move that House Bill 1414 be amended to read as follows:

Page 1, line 3, delete "As used in this section, "annual".

Page 1, delete lines 4 through 13.

Page 1, line 14, delete "(c)".

Page 1, run in lines 1 through 14.

Page 2, line 3, delete "(d)" and insert "(b)".

Page 2, line 11, delete "(e)" and insert "(c)".

Page 2, line 15, delete "(f)" and insert "(d)".

Page 2, delete lines 20 through 32.

Page 2, line 33, delete "(h)" and insert "(e)".

Page 3, line 4, delete "(i)" and insert "(f)".

Page 3, line 8, delete "most recent integrated resource plan." and insert **"preferred portfolio in the public utility's most recent integrated resource plan for which the commission has provided a final director's report."**

Page 3, delete lines 11 through 36, begin a new paragraph and insert:

**"(g) A public utility may not retire, sell, or transfer a reliable capacity resource with a capacity exceeding eighty (80) megawatts unless:**

**(1) the public utility first notifies the commission of the public utility's intent to do so; and**

**(2) the commission conducts a public hearing, noticed in accordance with IC 5-14-1.5, to receive information concerning the reasonableness of the planned retirement, sale, or transfer.**

**Not later than one hundred twenty (120) days after the date of the public utility's notice to the commission under this subsection or, if applicable, under subsection (f), the commission shall conduct the hearing described in subdivision (2) and issue the commission's findings and conclusions concerning the reasonableness of the planned retirement, sale, or transfer based on the information received.**

**(h) If a public utility that seeks to retire, sell, or transfer a reliable capacity resource under subsection (g) cites a federal mandate as the basis, in whole or in part, for the planned retirement, sale, or transfer of the unit, the commission may consider in making the commission's findings and conclusions under subsection (g) whether the cited federal mandate:**

**(1) is in force;**

**(2) has not expired or been revoked; and**

**(3) is not merely anticipated to be enacted; at the time of the public utility's notice under subsection (g)."**

Page 3, line 37, delete "(l)" and insert "(i)".

Page 4, delete line 8 and insert **"(j) This section expires May 1, 2021."**

(Reference is to HB 1414 as printed January 24, 2020.)

SOLIDAY

Motion prevailed.

HOUSE MOTION  
(Amendment 1414-7)

Mr. Speaker: I move that House Bill 1414 be amended to read as follows:

Page 1, line 14, delete "means" and insert "means:

**(1) an electric generating facility owned directly or indirectly by a corporation that was formed for the original purpose of providing power to the federal government for use in the nation's defense or in furtherance of national interests, including the Ohio Valley Electric Corporation; or**  
**(2) whale oil."**

Page 1, delete lines 15 through 17.

Page 2, delete lines 1 through 2.

Page 2, line 14, after "service" insert **"and light sources"**.

Page 2, between lines 32 and 33, begin a new paragraph and insert:

**"(h) Whereas:**

**(1) whale oil provides bright, dependable light that is favored even by lighthouse keepers; and**

**(2) many American jobs have been lost in the decimation of the whale oil industry;**

**a public utility may not sell electricity for the purpose of providing power to harsh, flickering, and toxic light bulbs, when natural and reliable whale oil would serve the purpose of lighting Hoosier homes and businesses."**

Page 2, line 33, delete "(h)" and insert "(i)".

Page 3, line 4, delete "(i)" and insert "(j)".

Page 3, line 11, delete "(j)" and insert "(k)".

Page 3, line 26, delete "(k)" and insert "(l)".

Page 3, line 27, delete "(j)" and insert "(k)".

Page 3, line 31, delete "(j)" and insert "(k)".

Page 3, line 36, delete "(j)" and insert "(k)".

Page 3, line 37, delete "(l)" and insert "(m)".

Page 4, line 8, delete "(m)" and insert "(n)".

(Reference is to HB 1414 as printed January 24, 2020.)

DVORAK

Upon request of Representatives Karickhoff and Burton, the Speaker ordered the roll of the House to be called. Roll Call 142: yeas 11, nays 83. Motion failed.

HOUSE MOTION  
(Amendment 1414-1)

Mr. Speaker: I move that House Bill 1414 be amended to read as follows:

Page 4, between lines 8 and 9, begin a new paragraph and insert:

**"SECTION 2. IC 8-1-8.5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The definitions in IC 3-5-2 apply to this section.**

**(b) As used in this section, "candidate" refers to any of the following:**

**(1) A candidate for a state office.**

**(2) A candidate for a legislative office.**

**(3) A candidate for a local office.**

**(c) As used in this section, "coal interest" means:**

**(1) any individual, firm, association, partnership, limited liability company, or corporation that:**

- (A) owns or operates:
  - (i) a commercial coal mine; or
  - (ii) any part of a commercial coal mine; or
- (B) sells coal as a fuel source to an electric utility; or
- (2) a trade association the membership of which consists of persons described in subdivision (1).
- (d) As used in this section, "committee" refers to any of the following:
  - (1) A candidate's committee.
  - (2) A regular party committee.
  - (3) A committee organized by a legislative caucus of the house of representatives of the general assembly.
  - (4) A committee organized by a legislative caucus of the senate of the general assembly.
- (e) As used in this section, "electric utility" means a:
  - (1) public, municipally owned, or cooperatively owned utility; or
  - (2) joint agency created under IC 8-1-2.2;

that provides retail electric service to Indiana customers, regardless of whether the person described in subdivision (1) or (2) is under the jurisdiction of the commission for the approval of rates and charges.

(f) As used in this section, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

(g) For purposes of this section, a person is considered to have an interest in a coal interest if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in the coal interest.
- (2) The person is an officer of the coal interest.
- (3) The person is an officer of a person that holds at least a one percent (1%) interest in the coal interest.
- (4) The person is a political action committee of the coal interest.

(h) For purposes of this section, a coal interest is considered to have made a contribution if a contribution is made by a person who has an interest in the coal interest.

(i) A coal interest or a person who has an interest in a coal interest may not make a contribution to a candidate or a committee.

(j) A person who knowingly or intentionally violates this section commits a Level 6 felony.

SECTION 3. IC 35-52-8-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. IC 8-1-8.5-12 defines a crime concerning political contributions by coal interests.**

Renumber all SECTIONS consecutively.

(Reference is to HB 1414 as printed January 24, 2020.)

DELANEY

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

#### HOUSE MOTION (Amendment 1414-6)

Mr. Speaker: I move that House Bill 1414 be amended to read as follows:

Page 4, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 8-1-8.5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. (a) As used in this section, "dislocated coal mine employee" means:**

- (1) an individual who:

- (A) has been laid off or terminated from the individual's employment at a commercial coal mine in Indiana; or
- (B) has received a notice of termination or layoff from the individual's employment at a commercial coal mine in Indiana;

as a result of the permanent closure of, or a substantial layoff at, the commercial coal mine; or

- (2) an individual who:

(A) has:

- (i) been laid off or terminated, for a reason other than cause; or
- (ii) received a notice of termination or layoff, for a reason other than cause;

from the individual's employment at a commercial coal mine in Indiana; and

(B) is unlikely to become reemployed in the coal mining industry because of market forces or other factors affecting the industry.

(b) In awarding high value workforce ready credit-bearing grants under IC 21-12-8, the commission for higher education, in conjunction with the department of workforce development, shall give priority to an applicant who is a dislocated coal mine employee if the applicant is otherwise eligible for a grant under IC 21-12-8-9."

Renumber all SECTIONS consecutively.

(Reference is to HB 1414 as printed January 24, 2020.)

MORRISON

Upon request of Representatives Morrison and Lehman, the Speaker ordered the roll of the House to be called. Roll Call 143: yeas 94, nays 0. Motion prevailed. The bill was ordered engrossed.

#### House Bill 1332

Representative Lehman called down House Bill 1332 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1332-2)

Mr. Speaker: I move that House Bill 1332 be amended to read as follows:

- Page 3, line 35, delete "an amount not to exceed".
- Page 11, line 37, delete "an amount not to exceed".
- Page 18, line 37, delete "an amount not to exceed".
- Page 20, line 19, delete "an amount not to exceed".

(Reference is to HB 1332 as printed January 28, 2020.)

BARRETT

Motion prevailed.

#### HOUSE MOTION (Amendment 1332-1)

Mr. Speaker: I move that House Bill 1332 be amended to read as follows:

Page 4, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 3. IC 22-3-3-10, AS AMENDED BY P.L.275-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 10. (a)** With respect to injuries in the schedule set forth in subsection (d) occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not to exceed fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the injury.

(b) With respect to injuries in the schedule set forth in subsection (d) occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight

(78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

(c) With respect to injuries in the schedule set forth in subsection (d) occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

(d) With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Amputation: For the loss by separation of the thumb, sixty (60) weeks, of the index finger forty (40) weeks, of the second finger thirty-five (35) weeks, of the third or ring finger thirty (30) weeks, of the fourth or little finger twenty (20) weeks, of the hand by separation below the elbow joint two hundred (200) weeks, or the arm above the elbow two hundred fifty (250) weeks, of the big toe sixty (60) weeks, of the second toe thirty (30) weeks, of the third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks, of the fifth or little toe ten (10) weeks, for loss occurring on and after April 1, 1959, by separation of the foot below the knee joint, one hundred seventy-five (175) weeks and of the leg above the knee joint two hundred twenty-five (225) weeks. The loss of more than one (1) phalange of a thumb or toes shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) the period for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger, shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the total sight of both eyes, or any two (2) such losses in the same accident, five hundred (500) weeks.

(3) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred seventy-five (175) weeks.

(4) For the permanent and complete loss of hearing in one (1) ear, seventy-five (75) weeks, and in both ears, two hundred (200) weeks.

(5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of both testicles, one hundred fifty (150) weeks.

(e) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not exceeding fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred twenty-five dollars (\$125) average weekly wages for the period stated for the injury.

(f) With respect to injuries in the schedule set forth in

subsection (h) occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

(g) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

(h) With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Loss of use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid for the same period as for the loss thereof by separation.

(2) Partial loss of use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(3) For injuries resulting in total permanent disability, five hundred (500) weeks.

(4) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (d)(3), compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then in such event compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses, plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(5) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (d)(4), compensation shall be paid for a period proportional to the degree of such permanent reduction.

(6) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(7) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(i) With respect to injuries in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the injury, compensation in an amount determined under the following

schedule to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the injury occurred.

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; by separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, and for the loss by separation of any of the body parts described in subdivision (3), (5), or (8), on or after July 1, 1999, the dollar values per degree applying on the date of the injury as described in subsection (j) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation, thirty-five (35) degrees of permanent impairment.

(6) For the reduction of vision to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(7) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(8) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(9) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the

doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(10) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(11) For injuries resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(12) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (h)(4), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(13) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (h)(5), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(14) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(15) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(j) Compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the injury determined under subsection (i) and the following:

(1) With respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(3) With respect to injuries occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars

(\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to injuries occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to injuries occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to injuries occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to injuries occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to injuries occurring on and after July 1, 2001, and before July 1, 2007, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(9) With respect to injuries occurring on and after July 1, 2007, and before July 1, 2008, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred forty dollars (\$1,340) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred forty-five dollars (\$1,545) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred seventy-five dollars (\$2,475) per degree; for each degree of permanent impairment above fifty (50), three thousand one hundred fifty dollars (\$3,150) per degree.

(10) With respect to injuries occurring on and after July 1, 2008, and before July 1, 2009, for each degree of permanent impairment from one (1) to ten (10), one

thousand three hundred sixty-five dollars (\$1,365) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred seventy dollars (\$1,570) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand five hundred twenty-five dollars (\$2,525) per degree; for each degree of permanent impairment above fifty (50), three thousand two hundred dollars (\$3,200) per degree.

(11) With respect to injuries occurring on and after July 1, 2009, and before July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred eighty dollars (\$1,380) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred eighty-five dollars (\$1,585) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand six hundred dollars (\$2,600) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,300) per degree.

(12) With respect to injuries occurring on and after July 1, 2010, and before July 1, 2014, for each degree of permanent impairment from one (1) to ten (10), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment above fifty (50), three thousand five hundred dollars (\$3,500) per degree.

(13) With respect to injuries occurring on and after July 1, 2014, and before July 1, 2015, for each degree of permanent impairment from one (1) to ten (10), one thousand five hundred seventeen dollars (\$1,517) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand seven hundred seventeen dollars (\$1,717) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand eight hundred sixty-two dollars (\$2,862) per degree; for each degree of permanent impairment above fifty (50), three thousand six hundred eighty-seven dollars (\$3,687) per degree.

(14) With respect to injuries occurring on and after July 1, 2015, and before July 1, 2016, for each degree of permanent impairment from one (1) to ten (10), one thousand six hundred thirty-three dollars (\$1,633) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand eight hundred thirty-five dollars (\$1,835) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand twenty-four dollars (\$3,024) per degree; for each degree of permanent impairment above fifty (50), three thousand eight hundred seventy-three dollars (\$3,873) per degree.

(15) With respect to injuries occurring on and after July 1, 2016, **and before July 1, 2020**, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred fifty dollars (\$1,750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred fifty-two dollars (\$1,952) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand one hundred eighty-six dollars (\$3,186) per degree; for each degree of permanent impairment above fifty (50), four thousand sixty dollars (\$4,060) per degree.

**(16) With respect to injuries occurring on and after July 1, 2020, and before July 1, 2021, for each degree of permanent impairment from one (1) to thirty-five (35), two thousand four hundred dollars (\$2,400) per**

degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand five hundred dollars (\$3,500) per degree; for each degree of permanent impairment above fifty (50), four thousand two hundred sixty dollars (\$4,260) per degree.

(17) With respect to injuries occurring on and after July 1, 2021, and before July 1, 2022, for each degree of permanent impairment from one (1) to thirty-five (35), two thousand six hundred forty dollars (\$2,640) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand eight hundred fifty dollars (\$3,850) per degree; for each degree of permanent impairment above fifty (50), four thousand four hundred seventy dollars (\$4,470) per degree.

(18) With respect to injuries occurring on and after July 1, 2022, for each degree of permanent impairment from one (1) to thirty-five (35), two thousand nine hundred dollars (\$2,900) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), four thousand two hundred dollars (\$4,200) per degree; for each degree of permanent impairment above fifty (50), four thousand seven hundred dollars (\$4,700) per degree.

(k) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (i) and (j) shall not exceed the following:

(1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to injuries occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, and before July 1, 2006, eight hundred eighty-two dollars (\$882).

(11) With respect to injuries occurring on or after July 1, 2006, and before July 1, 2007, nine hundred dollars (\$900).

(12) With respect to injuries occurring on or after July 1, 2007, and before July 1, 2008, nine hundred thirty dollars (\$930).

(13) With respect to injuries occurring on or after July 1, 2008, and before July 1, 2009, nine hundred fifty-four dollars (\$954).

(14) With respect to injuries occurring on or after July 1, 2009, and before July 1, 2014, nine hundred seventy-five dollars (\$975).

(15) With respect to injuries occurring on or after July 1,

2014, and before July 1, 2015, one thousand forty dollars (\$1,040).

(16) With respect to injuries occurring on or after July 1, 2015, and before July 1, 2016, one thousand one hundred five dollars (\$1,105).

(17) With respect to injuries occurring on or after July 1, 2016, and before July 1, 2020, one thousand one hundred seventy dollars (\$1,170).

(18) With respect to injuries occurring on or after July 1, 2020, and before July 1, 2021, one thousand five hundred thirty-nine dollars (\$1,539).

(19) With respect to injuries occurring on or after July 1, 2021, and before July 1, 2022, one thousand seven hundred dollars (\$1,700).

(20) With respect to injuries occurring on or after July 1, 2022, one thousand eight hundred fifty dollars (\$1,850).

SECTION 4. IC 22-3-3-22, AS AMENDED BY P.L.275-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

(1) not more than two hundred sixty-seven dollars (\$267); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be:

(1) not more than two hundred eighty-five dollars (\$285); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(c) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1988, and before July 1, 1989, the average weekly wages are considered to be:

(1) not more than three hundred eighty-four dollars (\$384); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(d) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be:

(1) not more than four hundred eleven dollars (\$411); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(e) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be:

(1) not more than four hundred forty-one dollars (\$441); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(f) In computing compensation for temporary total disability,



temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

- (1) not more than four hundred ninety-two dollars (\$492); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

- (1) not more than five hundred forty dollars (\$540); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

- (1) not more than five hundred ninety-one dollars (\$591); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(i) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

- (1) not more than six hundred forty-two dollars (\$642); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

- (1) with respect to injuries occurring on and after July 1, 1997, and before July 1, 1998:
  - (A) not more than six hundred seventy-two dollars (\$672); and
  - (B) not less than seventy-five dollars (\$75);
- (2) with respect to injuries occurring on and after July 1, 1998, and before July 1, 1999:
  - (A) not more than seven hundred two dollars (\$702); and
  - (B) not less than seventy-five dollars (\$75);
- (3) with respect to injuries occurring on and after July 1, 1999, and before July 1, 2000:
  - (A) not more than seven hundred thirty-two dollars (\$732); and
  - (B) not less than seventy-five dollars (\$75);
- (4) with respect to injuries occurring on and after July 1, 2000, and before July 1, 2001:
  - (A) not more than seven hundred sixty-two dollars (\$762); and
  - (B) not less than seventy-five dollars (\$75);
- (5) with respect to injuries occurring on and after July 1, 2001, and before July 1, 2002:
  - (A) not more than eight hundred twenty-two dollars (\$822); and
  - (B) not less than seventy-five dollars (\$75);
- (6) with respect to injuries occurring on and after July 1, 2002, and before July 1, 2006:
  - (A) not more than eight hundred eighty-two dollars (\$882); and

(B) not less than seventy-five dollars (\$75);  
(7) with respect to injuries occurring on and after July 1, 2006, and before July 1, 2007:

- (A) not more than nine hundred dollars (\$900); and
  - (B) not less than seventy-five dollars (\$75);
- (8) with respect to injuries occurring on and after July 1, 2007, and before July 1, 2008:

- (A) not more than nine hundred thirty dollars (\$930); and
  - (B) not less than seventy-five dollars (\$75);
- (9) with respect to injuries occurring on and after July 1, 2008, and before July 1, 2009:

- (A) not more than nine hundred fifty-four dollars (\$954); and
  - (B) not less than seventy-five dollars (\$75);
- (10) with respect to injuries occurring on and after July 1, 2009, and before July 1, 2014:

- (A) not more than nine hundred seventy-five dollars (\$975); and
  - (B) not less than seventy-five dollars (\$75);
- (11) with respect to injuries occurring on and after July 1, 2014, and before July 1, 2015:

- (A) not more than one thousand forty dollars (\$1,040); and
  - (B) not less than seventy-five dollars (\$75);
- (12) with respect to injuries occurring on and after July 1, 2015, and before July 1, 2016:

- (A) not more than one thousand one hundred five dollars (\$1,105); and
  - (B) not less than seventy-five dollars (\$75); and
- (13) with respect to injuries occurring on and after July 1, 2016, and before July 1, 2020:

- (A) not more than one thousand one hundred seventy dollars (\$1,170); and
- (B) not less than seventy-five dollars (\$75);

**(14) with respect to injuries occurring on and after July 1, 2020, and before July 1, 2021:**

- (A) not more than one thousand five hundred thirty-nine dollars (\$1,539); and
- (B) not less than one hundred fifty dollars (\$150);

**(15) with respect to injuries occurring on and after July 1, 2021, and before July 1, 2022:**

- (A) not more than one thousand seven hundred dollars (\$1,700); and
- (B) not less than two hundred dollars (\$200); and

**(16) with respect to injuries occurring on and after July 1, 2022:**

- (A) not more than one thousand eight hundred fifty dollars (\$1,850); and
- (B) not less than two hundred fifty dollars (\$250).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(k) With respect to any injury occurring on and after July 1, 1985, and before July 1, 1986, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case.

(l) With respect to any injury occurring on and after July 1, 1986, and before July 1, 1988, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed ninety-five thousand dollars (\$95,000) in any case.

(m) With respect to any injury occurring on and after July 1, 1988, and before July 1, 1989, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

(n) With respect to any injury occurring on and after July 1, 1989, and before July 1, 1990, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.

(o) With respect to any injury occurring on and after July 1, 1990, and before July 1, 1991, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred forty-seven thousand dollars (\$147,000) in any case.

(p) With respect to any injury occurring on and after July 1, 1991, and before July 1, 1992, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred sixty-four thousand dollars (\$164,000) in any case.

(q) With respect to any injury occurring on and after July 1, 1992, and before July 1, 1993, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred eighty thousand dollars (\$180,000) in any case.

(r) With respect to any injury occurring on and after July 1, 1993, and before July 1, 1994, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred ninety-seven thousand dollars (\$197,000) in any case.

(s) With respect to any injury occurring on and after July 1, 1994, and before July 1, 1997, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed two hundred fourteen thousand dollars (\$214,000) in any case.

(t) The maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provision of this law or any combination of provisions may not exceed the following amounts in any case:

(1) With respect to an injury occurring on and after July 1, 1997, and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).

(2) With respect to an injury occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).

(3) With respect to an injury occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).

(4) With respect to an injury occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).

(5) With respect to an injury occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).

(6) With respect to an injury occurring on and after July 1, 2002, and before July 1, 2006, two hundred ninety-four thousand dollars (\$294,000).

(7) With respect to an injury occurring on and after July 1, 2006, and before July 1, 2007, three hundred thousand dollars (\$300,000).

(8) With respect to an injury occurring on and after July 1, 2007, and before July 1, 2008, three hundred ten thousand dollars (\$310,000).

(9) With respect to an injury occurring on and after July 1, 2008, and before July 1, 2009, three hundred eighteen thousand dollars (\$318,000).

(10) With respect to an injury occurring on and after July 1, 2009, and before July 1, 2014, three hundred twenty-five thousand dollars (\$325,000).

(11) With respect to an injury occurring on and after July 1, 2014, and before July 1, 2015, three hundred forty-seven thousand dollars (\$347,000).

(12) With respect to an injury occurring on and after July 1, 2015, and before July 1, 2016, three hundred sixty-eight thousand dollars (\$368,000).

(13) With respect to an injury occurring on and after July 1, 2016, **and before July 1, 2020**, three hundred ninety thousand dollars (\$390,000).

**(14) With respect to an injury occurring on and after July 1, 2020, and before July 1, 2021, five hundred thirteen thousand dollars (\$513,000).**

**(15) With respect to an injury occurring on and after July 1, 2021, and before July 1, 2022, five hundred sixty-six thousand five hundred dollars (\$566,500).**

**(16) With respect to an injury occurring on and after July 1, 2022, six hundred sixteen thousand five hundred dollars (\$616,500)."**

Page 19, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 5. IC 22-3-7-16, AS AMENDED BY P.L.204-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) Compensation shall be allowed on account of disablement from occupational disease resulting in only temporary total disability to work or temporary partial disability to work beginning with the eighth day of such disability except for the medical benefits provided for in section 17 of this chapter. Compensation shall be allowed for the first seven (7) calendar days only as provided in this section. The first weekly installment of compensation for temporary disability is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall file with the worker's compensation board electronically and tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed disablement. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30) days of additional time may be approved by the worker's compensation board upon the filing of a petition by the employer or the employer's insurance carrier that sets forth:

(1) the extraordinary circumstances that have precluded a determination of liability within the initial sixty (60) days;

(2) the status of the investigation on the date the petition is filed;

(3) the facts or circumstances that are necessary to make a determination; and

(4) a timetable for the completion of the remaining investigation.

An employer who fails to comply with this section is subject to a civil penalty under IC 22-3-4-15.

(b) Once begun, temporary total disability benefits may not be terminated by the employer unless:

(1) the employee has returned to work;

(2) the employee has died;

(3) the employee has refused to undergo a medical

examination under section 20 of this chapter;

(4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been paid the maximum compensation allowable under section 19 of this chapter; or

(5) the employee is unable or unavailable to work for reasons unrelated to the compensable disease.

In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits, and of the availability of employment, if any, on a form approved by the board. If the employee disagrees with the proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of disagreement, the board shall immediately arrange for an evaluation of the employee by an independent medical examiner. The independent medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under section 27 of this chapter.

(c) An employer is not required to continue the payment of temporary total disability benefits for more than fourteen (14) days after the employer's proposed termination date unless the independent medical examiner determines that the employee is temporarily disabled and unable to return to any employment that the employer has made available to the employee.

(d) If it is determined that as a result of this section temporary total disability benefits were overpaid, the overpayment shall be deducted from any benefits due the employee under this section and, if there are no benefits due the employee or the benefits due the employee do not equal the amount of the overpayment, the employee shall be responsible for paying any overpayment which cannot be deducted from benefits due the employee.

(e) For disablements occurring on and after July 1, 1976, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during the temporary total disability weekly compensation equal to sixty-six and two-thirds percent ( $66 \frac{2}{3}\%$ ) of the employee's average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(f) For disablements occurring on and after July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent ( $66 \frac{2}{3}\%$ ) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days. In case of partial

disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.

(g) For disabilities occurring on and after July 1, 1979, and before July 1, 1988, from occupational disease in the schedule set forth in subsection (j), the employee shall receive in addition to disability benefits, not exceeding fifty-two (52) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the disabilities.

(h) For disabilities occurring on and after July 1, 1988, and before July 1, 1989, from occupational disease in the schedule set forth in subsection (j), the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the disabilities.

(i) For disabilities occurring on and after July 1, 1989, and before July 1, 1990, from occupational disease in the schedule set forth in subsection (j), the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the disabilities.

(j) For disabilities occurring on and after July 1, 1990, and before July 1, 1991, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the disabilities.

(1) Amputations: For the loss by separation, of the thumb, sixty (60) weeks; of the index finger, forty (40) weeks; of the second finger, thirty-five (35) weeks; of the third or ring finger, thirty (30) weeks; of the fourth or little finger, twenty (20) weeks; of the hand by separation below the elbow, two hundred (200) weeks; of the arm above the elbow joint, two hundred fifty (250) weeks; of the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks; of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15) weeks; of the fifth or little toe, ten (10) weeks; of the foot below the knee joint, one hundred fifty (150) weeks; and of the leg above the knee joint, two hundred (200) weeks. The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half ( $1/2$ ) of the thumb or toe and compensation shall be paid for one-half ( $1/2$ ) of the period for the loss of the entire thumb or toe. The loss of not more than two (2) phalanges of a finger shall be considered as the loss of one-half ( $1/2$ ) the finger and compensation shall be paid for one-half ( $1/2$ ) of the period for the loss of the entire finger.

(2) Loss of Use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange and the compensation shall be paid for the same period as for the loss thereof by separation.

(3) Partial Loss of Use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(4) For disablements for occupational disease resulting in total permanent disability, five hundred (500) weeks.

(5) For the loss of both hands, or both feet, or the total sight of both eyes, or any two (2) of such losses resulting from the same disablement by occupational disease, five hundred (500) weeks.

(6) For the permanent and complete loss of vision by enucleation of an eye or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred fifty (150) weeks, and for any other permanent reduction of the sight of an eye, compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(7) For the permanent and complete loss of hearing, two hundred (200) weeks.

(8) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(9) In all cases of permanent disfigurement, which may impair the future usefulness or opportunities of the employee, compensation in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this paragraph where compensation shall be payable under subdivisions (1) through (8). Where compensation for temporary total disability has been paid, this amount of compensation shall be deducted from any compensation due for permanent disfigurement.

(k) With respect to disablements in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the disablement, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the disablement occurred:

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; of separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations occurring on or after July 1, 1997: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described

in subsection (1) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(9) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(10) For disablements resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(11) For any permanent reduction of the sight of an eye less than a total loss as specified in subdivision (5), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(12) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subdivision (6), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(13) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100)

degrees of permanent impairment.

(14) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(l) With respect to disablements occurring on and after July 1, 1991, compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the dismemberment determined under subsection (k) and the following:

(1) With respect to disablements occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to disablements occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(3) With respect to disablements occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to disablements occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to disablements occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to disablements occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for

each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to disablements occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred dollars (\$2,500) per degree.

(8) With respect to disablements occurring on and after July 1, 2001, and before July 1, 2007, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(9) With respect to disablements occurring on and after July 1, 2007, and before July 1, 2008, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred forty dollars (\$1,340) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred forty-five dollars (\$1,545) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred seventy-five dollars (\$2,475) per degree; for each degree of permanent impairment above fifty (50), three thousand one hundred fifty dollars (\$3,150) per degree.

(10) With respect to disablements occurring on and after July 1, 2008, and before July 1, 2009, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred sixty-five dollars (\$1,365) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred seventy dollars (\$1,570) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand five hundred twenty-five dollars (\$2,525) per degree; for each degree of permanent impairment above fifty (50), three thousand two hundred dollars (\$3,200) per degree.

(11) With respect to disablements occurring on and after July 1, 2009, and before July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred eighty dollars (\$1,380) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred eighty-five dollars (\$1,585) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand six hundred dollars (\$2,600) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,300) per degree.

(12) With respect to disablements occurring on and after July 1, 2010, and before July 1, 2014, for each degree of permanent impairment from one (1) to ten (10), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent

impairment above fifty (50), three thousand five hundred dollars (\$3,500) per degree.

(13) With respect to disablements occurring on and after July 1, 2014, and before July 1, 2015, for each degree of permanent impairment from one (1) to ten (10), one thousand five hundred seventeen dollars (\$1,517) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand seven hundred seventeen dollars (\$1,717) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand eight hundred sixty-two dollars (\$2,862) per degree; for each degree of permanent impairment above fifty (50), three thousand six hundred eighty-seven dollars (\$3,687) per degree.

(14) With respect to disablements occurring on and after July 1, 2015, and before July 1, 2016, for each degree of permanent impairment from one (1) to ten (10), one thousand six hundred thirty-three dollars (\$1,633) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand eight hundred thirty-five dollars (\$1,835) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand twenty-four dollars (\$3,024) per degree; for each degree of permanent impairment above fifty (50), three thousand eight hundred seventy-three dollars (\$3,873) per degree.

(15) With respect to disablements occurring on and after July 1, 2016, **and before July 1, 2020**, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred fifty dollars (\$1,750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred fifty-two dollars (\$1,952) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand one hundred eighty-six dollars (\$3,186) per degree; for each degree of permanent impairment above fifty (50), four thousand sixty dollars (\$4,060) per degree.

**(16) With respect to disablements occurring on and after July 1, 2020, and before July 1, 2021, for each degree of permanent impairment from one (1) to thirty-five (35), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand five hundred dollars (\$3,500) per degree; for each degree of permanent impairment above fifty (50), four thousand two hundred sixty dollars (\$4,260) per degree.**

**(17) With respect to disablements occurring on and after July 1, 2021, and before July 1, 2022, for each degree of permanent impairment from one (1) to thirty-five (35), two thousand six hundred forty dollars (\$2,640) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand eight hundred fifty dollars (\$3,850) per degree; for each degree of permanent impairment above fifty (50), four thousand four hundred seventy dollars (\$4,470) per degree.**

**(18) With respect to disablements occurring on and after July 1, 2022, for each degree of permanent impairment from one (1) to thirty-five (35), two thousand nine hundred dollars (\$2,900) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), four thousand two hundred dollars (\$4,200) per degree; for each degree of permanent impairment above fifty (50), four thousand seven hundred dollars (\$4,700) per degree.**

(m) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (k) and (l) shall not exceed the following:

(1) With respect to disablements occurring on or after July

1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to disablements occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to disablements occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to disablements occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to disablements occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to disablements occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to disablements occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to disablements occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to disablements occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to disablements occurring on or after July 1, 2002, and before July 1, 2006, eight hundred eighty-two dollars (\$882).

(11) With respect to disablements occurring on or after July 1, 2006, and before July 1, 2007, nine hundred dollars (\$900).

(12) With respect to disablements occurring on or after July 1, 2007, and before July 1, 2008, nine hundred thirty dollars (\$930).

(13) With respect to disablements occurring on or after July 1, 2008, and before July 1, 2009, nine hundred fifty-four dollars (\$954).

(14) With respect to disablements occurring on or after July 1, 2009, and before July 1, 2014, nine hundred seventy-five dollars (\$975).

(15) With respect to disablements occurring on or after July 1, 2014, and before July 1, 2015, one thousand forty dollars (\$1,040).

(16) With respect to disablements occurring on or after July 1, 2015, and before July 1, 2016, one thousand one hundred five dollars (\$1,105).

(17) With respect to disablements occurring on or after July 1, 2016, **and before July 1, 2020**, one thousand one hundred seventy dollars (\$1,170).

**(18) With respect to disablements occurring on or after July 1, 2020, and before July 1, 2021, one thousand five hundred thirty-nine dollars (\$1,539).**

**(19) With respect to disablements occurring on or after July 1, 2021, and before July 1, 2022, one thousand seven hundred dollars (\$1,700).**

**(20) With respect to disablements occurring on or after July 1, 2022, one thousand eight hundred fifty dollars (\$1,850).**

(n) If any employee, only partially disabled, refuses employment suitable to the employee's capacity procured for the employee, the employee shall not be entitled to any compensation at any time during the continuance of such refusal unless, in the opinion of the worker's compensation board, such refusal was justifiable. The employee must be served with a notice setting forth the consequences of the refusal under this subsection. The notice must be in a form prescribed by the worker's compensation board.

(o) If an employee has sustained a permanent impairment or disability from an accidental injury other than an occupational

disease in another employment than that in which the employee suffered a subsequent disability from an occupational disease, such as herein specified, the employee shall be entitled to compensation for the subsequent disability in the same amount as if the previous impairment or disability had not occurred. However, if the permanent impairment or disability resulting from an occupational disease for which compensation is claimed results only in the aggravation or increase of a previously sustained permanent impairment from an occupational disease or physical condition regardless of the source or cause of such previously sustained impairment from an occupational disease or physical condition, the board shall determine the extent of the previously sustained permanent impairment from an occupational disease or physical condition as well as the extent of the aggravation or increase resulting from the subsequent permanent impairment or disability, and shall award compensation only for that part of said occupational disease or physical condition resulting from the subsequent permanent impairment. An amputation of any part of the body or loss of any or all of the vision of one (1) or both eyes caused by an occupational disease shall be considered as a permanent impairment or physical condition.

(p) If an employee suffers a disablement from an occupational disease for which compensation is payable while the employee is still receiving or entitled to compensation for a previous injury by accident or disability by occupational disease in the same employment, the employee shall not at the same time be entitled to compensation for both, unless it be for a permanent injury, such as specified in subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9), but the employee shall be entitled to compensation for that disability and from the time of that disability which will cover the longest period and the largest amount payable under this chapter.

(q) If an employee receives a permanent disability from an occupational disease such as specified in subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9) after having sustained another such permanent disability in the same employment the employee shall be entitled to compensation for both such disabilities, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation and, when such previous and subsequent permanent disabilities, in combination result in total permanent disability or permanent total impairment, compensation shall be payable for such permanent total disability or impairment, but payments made for the previous disability or impairment shall be deducted from the total payment of compensation due.

(r) When an employee has been awarded or is entitled to an award of compensation for a definite period from an occupational disease wherein disablement occurs on and after April 1, 1963, and such employee dies from other causes than such occupational disease, payment of the unpaid balance of such compensation not exceeding three hundred fifty (350) weeks shall be paid to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter and compensation, not exceeding five hundred (500) weeks shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter.

(s) Any payment made by the employer to the employee during the period of the employee's disability, or to the employee's dependents, which, by the terms of this chapter, was not due and payable when made, may, subject to the approval of the worker's compensation board, be deducted from the amount to be paid as compensation, but such deduction shall be made from the distal end of the period during which compensation must be paid, except in cases of temporary disability.

(t) When so provided in the compensation agreement or in the award of the worker's compensation board, compensation may be paid semimonthly, or monthly, instead of weekly.

(u) When the aggregate payments of compensation awarded by agreement or upon hearing to an employee or dependent

under eighteen (18) years of age do not exceed one hundred dollars (\$100), the payment thereof may be made directly to such employee or dependent, except when the worker's compensation board shall order otherwise.

(v) Whenever the aggregate payments of compensation, due to any person under eighteen (18) years of age, exceed one hundred dollars (\$100), the payment thereof shall be made to a trustee, appointed by the circuit or superior court, or to a duly qualified guardian, or, upon the order of the worker's compensation board, to a parent or to such minor person. The payment of compensation, due to any person eighteen (18) years of age or over, may be made directly to such person.

(w) If an employee, or a dependent, is mentally incompetent, or a minor at the time when any right or privilege accrues to the employee under this chapter, the employee's guardian or trustee may, in the employee's behalf, claim and exercise such right and privilege.

(x) All compensation payments named and provided for in this section, shall mean and be defined to be for only such occupational diseases and disabilities therefrom as are proved by competent evidence, of which there are or have been objective conditions or symptoms proven, not within the physical or mental control of the employee."

Page 21, after line 17, begin a new paragraph and insert:

"SECTION 6. IC 22-3-7-19, AS AMENDED BY P.L.275-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19. (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

(1) not more than two hundred sixty-seven dollars (\$267); and

(2) not less than seventy-five dollars (\$75).

(b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be:

(1) not more than two hundred eighty-five dollars (\$285); and

(2) not less than seventy-five dollars (\$75).

(c) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1988, and before July 1, 1989, the average weekly wages are considered to be:

(1) not more than three hundred eighty-four dollars (\$384); and

(2) not less than seventy-five dollars (\$75).

(d) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be:

(1) not more than four hundred eleven dollars (\$411); and

(2) not less than seventy-five dollars (\$75).

(e) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be:

(1) not more than four hundred forty-one dollars (\$441); and

(2) not less than seventy-five dollars (\$75).

(f) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are



considered to be:

- (1) not more than four hundred ninety-two dollars (\$492); and
- (2) not less than seventy-five dollars (\$75).

(g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

- (1) not more than five hundred forty dollars (\$540); and
- (2) not less than seventy-five dollars (\$75).

(h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

- (1) not more than five hundred ninety-one dollars (\$591); and
- (2) not less than seventy-five dollars (\$75).

(i) In computing compensation for temporary total disability, temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

- (1) not more than six hundred forty-two dollars (\$642); and
- (2) not less than seventy-five dollars (\$75).

(j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

- (1) with respect to occupational diseases occurring on and after July 1, 1997, and before July 1, 1998:
  - (A) not more than six hundred seventy-two dollars (\$672); and
  - (B) not less than seventy-five dollars (\$75);
- (2) with respect to occupational diseases occurring on and after July 1, 1998, and before July 1, 1999:
  - (A) not more than seven hundred two dollars (\$702); and
  - (B) not less than seventy-five dollars (\$75);
- (3) with respect to occupational diseases occurring on and after July 1, 1999, and before July 1, 2000:
  - (A) not more than seven hundred thirty-two dollars (\$732); and
  - (B) not less than seventy-five dollars (\$75);
- (4) with respect to occupational diseases occurring on and after July 1, 2000, and before July 1, 2001:
  - (A) not more than seven hundred sixty-two dollars (\$762); and
  - (B) not less than seventy-five dollars (\$75);
- (5) with respect to disablements occurring on and after July 1, 2001, and before July 1, 2002:
  - (A) not more than eight hundred twenty-two dollars (\$822); and
  - (B) not less than seventy-five dollars (\$75);
- (6) with respect to disablements occurring on and after July 1, 2002, and before July 1, 2006:
  - (A) not more than eight hundred eighty-two dollars (\$882); and
  - (B) not less than seventy-five dollars (\$75);
- (7) with respect to disablements occurring on and after July 1, 2006, and before July 1, 2007:
  - (A) not more than nine hundred dollars (\$900); and
  - (B) not less than seventy-five dollars (\$75);
- (8) with respect to disablements occurring on and after July 1, 2007, and before July 1, 2008:
  - (A) not more than nine hundred thirty dollars (\$930); and
  - (B) not less than seventy-five dollars (\$75);
- (9) with respect to disablements occurring on and after

July 1, 2008, and before July 1, 2009:

- (A) not more than nine hundred fifty-four dollars (\$954); and
- (B) not less than seventy-five dollars (\$75);
- (10) with respect to disablements occurring on and after July 1, 2009, and before July 1, 2014:
  - (A) not more than nine hundred seventy-five dollars (\$975); and
  - (B) not less than seventy-five dollars (\$75);
- (11) with respect to disablements occurring on and after July 1, 2014, and before July 1, 2015:
  - (A) not more than one thousand forty dollars (\$1,040); and
  - (B) not less than seventy-five dollars (\$75);
- (12) with respect to disablements occurring on and after July 1, 2015, and before July 1, 2016:
  - (A) not more than one thousand one hundred five dollars (\$1,105); and
  - (B) not less than seventy-five dollars (\$75); ~~and~~
- (13) with respect to disablements occurring on and after July 1, 2016, **and before July 1, 2020:**
  - (A) not more than one thousand one hundred seventy dollars (\$1,170); and
  - (B) not less than seventy-five dollars (\$75);
- (14) with respect to disablements occurring on and after July 1, 2020, and before July 1, 2021:**
  - (A) not more than one thousand five hundred thirty-nine dollars (\$1,539); and**
  - (B) not less than one hundred fifty dollars (\$150);**
- (15) with respect to disablements occurring on and after July 1, 2021, and before July 1, 2022:**
  - (A) not more than one thousand seven hundred dollars (\$1,700); and**
  - (B) not less than two hundred dollars (\$200); and**
- (16) with respect to disablements occurring on and after July 1, 2022:**
  - (A) not more than one thousand eight hundred fifty dollars (\$1,850); and**
  - (B) not less than two hundred fifty dollars (\$250).**
- (k) The maximum compensation with respect to disability or death occurring on and after July 1, 1985, and before July 1, 1986, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case.
- (l) The maximum compensation with respect to disability or death occurring on and after July 1, 1986, and before July 1, 1988, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed ninety-five thousand dollars (\$95,000) in any case.
- (m) The maximum compensation with respect to disability or death occurring on and after July 1, 1988, and before July 1, 1989, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.
- (n) The maximum compensation with respect to disability or death occurring on and after July 1, 1989, and before July 1, 1990, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.
- (o) The maximum compensation with respect to disability or death occurring on and after July 1, 1990, and before July 1, 1991, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred forty-seven thousand dollars (\$147,000) in any case.
- (p) The maximum compensation with respect to disability or



death occurring on and after July 1, 1991, and before July 1, 1992, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred sixty-four thousand dollars (\$164,000) in any case.

(q) The maximum compensation with respect to disability or death occurring on and after July 1, 1992, and before July 1, 1993, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred eighty thousand dollars (\$180,000) in any case.

(r) The maximum compensation with respect to disability or death occurring on and after July 1, 1993, and before July 1, 1994, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred ninety-seven thousand dollars (\$197,000) in any case.

(s) The maximum compensation with respect to disability or death occurring on and after July 1, 1994, and before July 1, 1997, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed two hundred fourteen thousand dollars (\$214,000) in any case.

(t) The maximum compensation that shall be paid for occupational disease and the results of an occupational disease under this chapter or under any combination of the provisions of this chapter may not exceed the following amounts in any case:

(1) With respect to disability or death occurring on and after July 1, 1997, and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).

(2) With respect to disability or death occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).

(3) With respect to disability or death occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).

(4) With respect to disability or death occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).

(5) With respect to disability or death occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).

(6) With respect to disability or death occurring on and after July 1, 2002, and before July 1, 2006, two hundred ninety-four thousand dollars (\$294,000).

(7) With respect to disability or death occurring on and after July 1, 2006, and before July 1, 2007, three hundred thousand dollars (\$300,000).

(8) With respect to disability or death occurring on and after July 1, 2007, and before July 1, 2008, three hundred ten thousand dollars (\$310,000).

(9) With respect to disability or death occurring on and after July 1, 2008, and before July 1, 2009, three hundred eighteen thousand dollars (\$318,000).

(10) With respect to disability or death occurring on and after July 1, 2009, and before July 1, 2014, three hundred twenty-five thousand dollars (\$325,000).

(11) With respect to disability or death occurring on and after July 1, 2014, and before July 1, 2015, three hundred forty-seven thousand dollars (\$347,000).

(12) With respect to disability or death occurring on and after July 1, 2015, and before July 1, 2016, three hundred sixty-eight thousand dollars (\$368,000).

(13) With respect to disability or death occurring on and after July 1, 2016, and before July 1, 2020, three hundred ninety thousand dollars (\$390,000).

**(14) With respect to disability or death occurring on and after July 1, 2020, and before July 1, 2021, five hundred thirteen thousand dollars (\$513,000).**

**(15) With respect to disability or death occurring on**

**and after July 1, 2021, and before July 1, 2022, five hundred sixty-six thousand five hundred dollars (\$566,500).**

**(16) With respect to disability or death occurring on and after July 1, 2022, six hundred sixteen thousand five hundred dollars (\$616,500).**

(u) For all disabilities occurring on and after July 1, 1985, "average weekly wages" means the earnings of the injured employee during the period of fifty-two (52) weeks immediately preceding the disability divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts of weeks remaining after the time lost has been deducted. If employment before the date of disability extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts of weeks during which the employee earned wages shall be followed if results just and fair to both parties will be obtained. If by reason of the shortness of the time during which the employee has been in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages for the employee, the employee's average weekly wages shall be considered to be the average weekly amount that, during the fifty-two (52) weeks before the date of disability, was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee instead of wages or a specified part of the wage contract, they shall be considered a part of the employee's earnings.

(v) The provisions of this article may not be construed to result in an award of benefits in which the number of weeks paid or to be paid for temporary total disability, temporary partial disability, or permanent total disability benefits combined exceeds five hundred (500) weeks. This section shall not be construed to prevent a person from applying for an award under IC 22-3-3-13. However, in case of permanent total disability resulting from a disablement occurring on or after January 1, 1998, the minimum total benefit shall not be less than seventy-five thousand dollars (\$75,000)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1332 as printed January 28, 2020.)

BECK

Motion failed. The bill was ordered engrossed.

## House Bill 1278

Representative Bauer called down House Bill 1278 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 1278-2)

Mr. Speaker: I move that House Bill 1278 be amended to read as follows:

Page 1, line 14, reset in roman "(a)".

Page 2, line 14, reset in roman "(b) A petition described in subsection (a) must be filed".

Page 2, line 14, after "to" insert "**not later than six (6) months after**".

Page 2, line 14, reset in roman "the".

Page 2, reset in roman line 15.

Page 2, line 15, after "adoption" insert "**of the child**".

Page 2, after line 41, begin a new paragraph and insert:

"SECTION 5. IC 31-19-4.5-1, AS AMENDED BY P.L.190-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter:

(1) shall not be construed to affect notice of an adoption provided to a putative father under IC 31-19-4;

- (2) applies to a father who has abandoned, failed to support, or failed to communicate with a child; and
- (3) except for section 3 of this chapter, applies to a grandparent who:

(A) is the grandparent of a child sought to be adopted; and

(B) has

(i) an existing right to petition for visitation under IC 31-17-5, ~~and~~

(ii) ~~a right to visitation that will not be terminated after the adoption under IC 31-17-5-9;~~

~~at a time prior to the date of the filing of the petition for adoption."~~

Renumber all SECTIONS consecutively.

(Reference is to HB 1278 as printed January 28, 2020.)

YOUNG

Motion prevailed. The bill was ordered engrossed.

### House Bill 1264

Representative May called down House Bill 1264 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1244

Representative Vermilion called down House Bill 1244 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1191

Representative Clere\ called down House Bill 1191 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1191-1)

Mr. Speaker: I move that House Bill 1191 be amended to read as follows:

Page 8, line 38, delete "receipt or".

Page 9, line 6, delete "Neither the buyer nor the seller" and insert "**The buyer**".

Page 9, line 6, after "may" insert "**not**".

Page 9, delete lines 9 through 15, begin a new paragraph and insert:

**"Sec. 4. (a) If a principal dwelling land contract has not been cancelled pursuant to section 3 of this chapter, the principal dwelling land contract or a memorandum of that contract shall be recorded pursuant to the requirements of IC 36-2-11-20 by the seller not later than thirty (30) days after the principal dwelling land contract or a memorandum of that contract is executed and notarized.**

**(b) The buyer may record a principal dwelling land contract or a memorandum of that contract at any time pursuant to the requirements of IC 36-2-11-20.**

SECTION 3. IC 36-2-11-20, AS AMENDED BY P.L.127-2017, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. (a) As used in this section, "contract" means an agreement for a seller to sell real estate to a purchaser that provides for the purchaser to pay the purchase price to the seller in periodic installments, with the seller retaining record title to the real estate and the purchaser acquiring equitable title to the real estate. **The term includes a principal dwelling land contract described under IC 32-29.5.**

(b) As used in this section, "lease" means a lease of real estate by a lessor to a lessee, over a term that is specified in a written lease agreement in consideration of the lessee's promise to pay rent to the lessor as also specified in the written lease agreement.

(c) As used in this section, "lessee" means a tenant that is party to a lease with a lessor.

(d) As used in this section, "lessor" means an owner of real property or buildings or fixtures situated on real property that enters into a lease with a lessee.

- (e) As used in this section, "real estate" means:

(1) the real property that is subject to the lease or contract; or

(2) buildings or fixtures situated on the real property that are subject to the lease or contract.

(f) As used in this section, "seller" means an owner of real estate that sells the real estate to a purchaser under a contract.

(g) A memorandum of a lease or a memorandum of contract may be recorded in lieu of the lease or contract itself if the memorandum is executed and acknowledged by the parties and contains:

(1) the names of the parties;

(2) the **term duration** of the lease or contract;

(3) any option of the lessee to renew or extend the term of the lease or of the purchaser to renew or extend the term of the contract; and

(4) the specific legal description of the real estate, or a survey or plot plan authorized under subsection (i) showing the location of the real estate.

(h) A memorandum recorded under this section may also contain any other agreement made between the parties in the lease or contract.

(i) A survey or plot plan may be used in lieu of a specific legal description to describe:

(1) any part of a building on the real estate, if the specific legal description of the real property on which the building is located is set forth in the memorandum, survey, or plot plan;

(2) any part of the real estate that is part of a larger tract of land, if the specific legal description of the larger tract is set forth in the memorandum, survey, or plot plan; or

(3) real property of the lessor or seller, if:

(A) its use is restricted by the terms of the lease or contract;

(B) it is located wholly within real property of the lessor or seller; and

(C) the specific legal description of the real property within which it is located is set forth in the memorandum, survey, or plot plan.

(j) As to the provisions contained in a memorandum recorded under this section, recording the memorandum has the same effect as recording the lease or contract itself."

Renumber all SECTIONS consecutively.

(Reference is to HB 1191 as printed January 28, 2020.)

CLERE

Motion prevailed. The bill was ordered engrossed.

### House Bill 1115

Representative Morris called down House Bill 1115 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1115-1)

Mr. Speaker: I move that House Bill 1115 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

**"SECTION 1. IC 16-27-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:**

**Chapter 5. Home Health Aide Noncompete Agreements**  
**Sec. 1. This chapter applies to home health aide noncompete agreements originally entered into on or after July 1, 2020.**

**Sec. 2. To be enforceable, a home health aide noncompete agreement must include all of the following provisions:**

**(1) A provision that requires the employer of the home health aide to provide the home health aide with a copy of any notice that:**

**(A) concerns the home health aide's departure from**

the employer; and

(B) was sent to any patient seen or treated by the home health aide during the two (2) year period preceding the termination of the home health aide's employment or the expiration of the home health aide's contract. Provided, however, the patient names and contact information be redacted from the copy of the notice provided from the employer of the home health aide to the home health aide.

(2) A provision that requires the home health aide's employer to, in good faith, provide the home health aide's last known or current contact and location information to a patient who:

(A) requests updated contact and location information for the home health aide; and

(B) was seen or treated by the home health aide during the two (2) year period preceding the termination of the home health aide's employment or the expiration of the home health aide's contract.

(3) A provision that provides the home health aide with:

(A) access to; or

(B) copies of;

any medical record associated with a patient described in subdivision (1) or (2) upon receipt of the patient's consent.

(4) A provision that provides the home health aide whose employment has terminated or whose contract has expired with the option to purchase a complete and final release from the terms of the enforceable home health aide noncompete agreement at a reasonable price. However, in the event the home health aide elects not to exercise the purchase option, then the option to purchase provision may not be used in any manner to restrict, bar, or otherwise limit the employer's equitable remedies, including the employer's enforcement of the home health aide noncompete agreement.

(5) A provision that prohibits the providing of patient medical records to a requesting home health aide in a format that materially differs from the format used to create or store the medical record during the routine or ordinary course of business, unless a different format is mutually agreed upon by the parties. Paper or portable document format copies of the medical records satisfy the formatting provisions of this chapter.

Sec. 3. A person or entity required to create, copy, or transfer a patient medical record for a reason specified in this chapter may charge a reasonable fee for the service as permitted under applicable state or federal law.

Sec. 4. Nothing in this chapter shall be construed to prohibit, limit, impair, or abrogate:

(1) the ability of the parties to negotiate any other term not specified under this chapter; or

(2) any other right, remedy, or relief permitted by law or in equity."

Page 3, after line 1, begin a new paragraph and insert:

"SECTION 3. IC 25-23-2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

#### Chapter 2. Nurse Noncompete Agreements

Sec. 1. This chapter applies to nurse noncompete agreements originally entered into on or after July 1, 2020.

Sec. 2. To be enforceable, a nurse noncompete agreement must include all of the following provisions:

(1) A provision that requires the employer of the nurse to provide the nurse with a copy of any notice that:

(A) concerns the nurse's departure from the employer; and

(B) was sent to any patient seen or treated by the nurse during the two (2) year period preceding the termination of the nurse's employment or the expiration of the nurse's contract. Provided, however, the patient names and contact information be redacted from the copy of the notice provided from the employer of the nurse to the nurse.

(2) A provision that requires the nurse's employer to, in good faith, provide the nurse's last known or current contact and location information to a patient who:

(A) requests updated contact and location information for the nurse; and

(B) was seen or treated by the nurse during the two (2) year period preceding the termination of the nurse's employment or the expiration of the nurse's contract.

(3) A provision that provides the nurse with:

(A) access to; or

(B) copies of;

any medical record associated with a patient described in subdivision (1) or (2) upon receipt of the patient's consent.

(4) A provision that provides the nurse whose employment has terminated or whose contract has expired with the option to purchase a complete and final release from the terms of the enforceable nurse noncompete agreement at a reasonable price. However, in the event the nurse elects not to exercise the purchase option, then the option to purchase provision may not be used in any manner to restrict, bar, or otherwise limit the employer's equitable remedies, including the employer's enforcement of the nurse noncompete agreement.

(5) A provision that prohibits the providing of patient medical records to a requesting nurse in a format that materially differs from the format used to create or store the medical record during the routine or ordinary course of business, unless a different format is mutually agreed upon by the parties. Paper or portable document format copies of the medical records satisfy the formatting provisions of this chapter.

Sec. 3. A person or entity required to create, copy, or transfer a patient medical record for a reason specified in this chapter may charge a reasonable fee for the service as permitted under applicable state or federal law.

Sec. 4. Nothing in this chapter shall be construed to prohibit, limit, impair, or abrogate:

(1) the ability of the parties to negotiate any other term not specified under this chapter; or

(2) any other right, remedy, or relief permitted by law or in equity."

Renumber all SECTIONS consecutively.

(Reference is to HB 1115 as printed January 28, 2020.)

CHYUNG

Upon request of Representatives Chyung and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 144: yeas 28, nays 63. Motion failed. The bill was ordered engrossed.

#### House Bill 1042

Representative Davisson called down House Bill 1042 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1042-1)

Mr. Speaker: I move that House Bill 1042 be amended to read as follows:

Page 1, between lines 13 and 14, begin a new paragraph and insert:

"Sec. 2.5. As used in this chapter, "effective rate of reimbursement" includes the following:

- (1) Generic effective rates.
- (2) Brand effective rates.
- (3) Direct and indirect remuneration fees.
- (4) Any other reduction or aggregate reduction of payment."

Page 3, between lines 33 and 34, begin a new paragraph and insert:

"Sec. 14.5. As used in this chapter, "spread pricing" means the model of prescription drug pricing by which a pharmacy benefit manager charges a plan sponsor a contracted price for a prescription drug, and that contracted price differs from the amount the pharmacy benefit manager directly or indirectly pays the pharmacist or pharmacy for the drug or for pharmacist services related to the drug."

Page 5, between lines 18 and 19, begin a new paragraph and insert:

"Sec. 21. (a) A pharmacy benefit manager may not do any of the following:

- (1) Engage in spread pricing.
- (2) Directly or indirectly retroactively deny a claim or aggregate of claims after the claim or aggregate of claims has been adjudicated, unless any of the following apply:
  - (A) The original claim was submitted fraudulently.
  - (B) The original claim payment was incorrect because the pharmacy or pharmacist had already been paid for the drug.
  - (C) The pharmacist services were not properly rendered by the pharmacy or pharmacist.
- (3) Reduce, directly or indirectly, payment to a pharmacy for pharmacist services to an effective rate of reimbursement, including permitting an insurer or plan sponsor to make such a reduction.
- (4) Pay or reimburse a pharmacy or pharmacist at an amount less than:

- (A) the national average drug acquisition cost; or
- (B) if the national average drug acquisition cost is unavailable, the wholesale acquisition cost for the ingredient drug product component of drugs provided by the pharmacist or pharmacy.

(b) A violation of this section by a pharmacy benefit manager constitutes an unfair or deceptive act or practice in the business of insurance under IC 27-4-1-4."

Page 5, line 19, delete "21." and insert "22."

(Reference is to HB 1042 as printed January 28, 2020.)

HATFIELD

Upon request of Representatives Hatfield and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 145: yeas 30, nays 61. Motion failed. The bill was ordered engrossed.

### House Bill 1031

Representative Miller called down House Bill 1031 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1031-2)

Mr. Speaker: I move that House Bill 1031 be amended to read as follows:

Page 4, line 28, after "Sec. 9." insert "(a)".

Page 4, line 28, delete "department" and insert "natural resources commission".

Page 4, line 29, delete "to" and insert "to:

- (1)".

Page 4, line 30, delete "purposes of" and insert "purposes of: (A)".

Page 4, line 31, delete "chapter." and insert "chapter; and (B) defining the area on the Lake Michigan shore in which the public may engage in temporary, transitory recreational activities; and

(2) identify or describe the temporary, transitory recreational activities in which the public may engage in the area defined under subdivision (1)(B).

(b) The natural resources commission shall, to the greatest possible extent, make the rules adopted under subsection (a)(1)(B) and (a)(2) consistent with the administrative rules and laws of Michigan, Illinois, and Wisconsin concerning the matters described in subsection (a)(1)(B) and (a)(2)."

(Reference is to HB 1031 as printed January 28, 2020.)

MILLER

Motion failed.

#### HOUSE MOTION (Amendment 1031-1)

Mr. Speaker: I move that House Bill 1031 be amended to read as follows:

Page 1, line 8, delete "IC 14-10-4 and IC 14-26-10," and insert "IC 14-10-4,".

Page 3, line 2, after "214.8." delete "(a)".

Page 3, delete lines 4 through 5.

Page 3, line 8, delete "activities" and insert "activity".

Page 3, line 10, delete "IC 14-26-10-3" and insert "IC 14-26-10-1".

Page 3, line 14, delete "chapter, IC 14-26-9, and IC 14-26-10," and insert "chapter and IC 14-26-9,".

Page 4, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 10. IC 14-26-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

**Chapter 10. Ownership of Lake Michigan in Public Trust**  
**Sec. 1. As used in this chapter, "recreational activity" means any of the following:**

- (1) Walking.
- (2) Fishing.
- (3) Boating.
- (4) Swimming.
- (5) Any other recreational activity for which Lake Michigan is ordinarily used, as recognized by the commission for the purposes of this chapter.

**Sec. 2. An owner of land that borders Lake Michigan does not have the exclusive right to use the water or land below the ordinary high water mark of Lake Michigan.**

**Sec. 3. The citizens of Indiana have a vested right to:**

- (1) enjoy the natural scenic beauty of Lake Michigan;
- (2) enjoy and use the natural resources of Lake Michigan; and
- (3) use Lake Michigan for a recreational activity.

**Sec. 4. The citizens of Indiana have a vested right in the preservation and protection of Lake Michigan.**

**Sec. 5. The commission may adopt rules under IC 4-22-2 to administer this chapter."**

Page 4, line 29, delete "establish" and insert "identify".

Page 5, line 12, delete "IC 14-26-10-5" and insert "IC 14-26-10-3".

Renumber all SECTIONS consecutively.

(Reference is to HB 1031 as printed January 28, 2020.)

TORR

Motion prevailed. The bill was ordered engrossed.

Speaker-Elect Huston, who had been present, is now excused.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1008

Representative Carbaugh called down Engrossed House Bill 1008 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 146: yeas 85, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Messmer and Busch.

Representative Wolkins, who had been present, is now excused.

### Engrossed House Bill 1043

Representative Davisson called down Engrossed House Bill 1043 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 147: yeas 87, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Boots and Houchin.

### Engrossed House Bill 1063

Representative Goodrich called down Engrossed House Bill 1063 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 148: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Doriot.

### Engrossed House Bill 1065

Representative Thompson called down Engrossed House Bill 1065 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 149: yeas 59, nays 28. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Holdman.

## ENGROSSED SENATE BILLS ON SECOND READING

### Engrossed Senate Bill 2

Representative DeVon called down Engrossed Senate Bill 2 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### HOUSE MOTION

Mr. Speaker: I move that Representatives Prescott and Boy be added as coauthors of House Bill 1015.

PRESSEL

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Frye be added as coauthor of House Bill 1043.

DAVISSON

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representatives Burton, Fleming and Pryor be added as coauthors of House Bill 1191.

CLERE

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Barrett be added as coauthor of House Bill 1317.

KIRCHHOFFER

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representatives Hamilton and Heaton be added as coauthors of House Bill 1353.

BURTON

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Jackson be added as coauthor of House Bill 1392.

SMALTZ

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Hamilton be added as coauthor of House Bill 1429.

HATFIELD

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Lauer be removed as coauthor of House Concurrent Resolution 11.

ZENT

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representatives Carbaugh, Kirchhofer and V. Smith be added as cosponsors of Engrossed Senate Bill 2.

DEVON

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representatives Schaibley, Kirchhofer and DeLaney be added as cosponsors of Engrossed Senate Bill 206.

TORR

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 4, 64, 101, 131, 142, 177, 181, 185, 190, 202, 205, 206, 223, 230, 255, 256, 266, 269, 302, 316, 340, 355, 356, 358, 367, 384, 402, 411 and 443 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

On the motion of Representative Hatfield, the House adjourned at 4:40 p.m., this thirtieth day of January, 2020, until Monday, February 3, 2020, at 10:00 a.m.

BRIAN C. BOSMA  
Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives